



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/244,190	02/04/1999	KUNIaki KOGA	12407	3452

23389 7590 07/09/2003

SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
GARDEN CITY, NY 11530

[REDACTED] EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT	PAPER NUMBER
2635	

DATE MAILED: 07/09/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

TD

Office Action Summary	Application No.	Applicant(s)	
	09/244,190	KOGA, KUNIAKI	
	Examiner	Art Unit	2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 March 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____

EXAMINER'S RESPONSE

Status of Application

In response to the applicant's amendment received on 5/13/2003. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1-18 are unpatentable for the reasons set forth in this office action:

Claim Rejections - 35 USC § 112

1. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Support for the limitation to simultaneously displaying could not be found in the specification as originally filed. The applicant did point to the specification for support however, the specification states that "...which the user has view until then.." implies that the view of the old message is no longer presented and therefore support for simultaneous display is lacking.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1,2,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (4965569), Amma (6400256) and either Sone (5793304), Burgan (6166621) or McLaughlin (4975694).

Bennett shows a pager that present previously received messages. If a new message is received during the presenting of previously received messages the presenting is temporarily stopped and a new message is then presented. See figures 9A, 9B, 10A, 10B and their descriptions especially, col. 17 lines 29-36, lines 60-63 and elements 356 and 364 of figure 12A. Bennett differs from the claimed invention in that the presentation of the messages in Bennett is audible, while the presentation of the messages in the claimed invention is by display. One of ordinary skill in the art of pagers is well aware that pagers can use displays to display the stored page information equally as well as the audible storage and playback of Bennett.

In an analogous art, Amma shows the simultaneous display of old stored messages and newly received messages, where the new message is displayed in a manner different from the old messages. See description of figure 9. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used different display modes to simultaneously display stored messages with new messages since such a new display mode will improve the communication of information to the user.

In an analogous art Sone, Burgan and McLaughlin each teach a pager that is used display messages. Sone, Burgan and McLaughlin show displaying messages in one of a plurality of formats and displaying other (or additional) messages in a different

Art Unit: 2635

format. The difference in the display formats is used to convey that the messages have different characteristics. See Sone col. 1 lines 33-36, Burgan Figure 6 and McLaughlin figure 7. This aids the user in knowing the type of message being presented.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed different types of messages in different fashions for displaying the messages being presented in the Bennett system in order to aid the user in knowing the type of message being presented.

2. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett, Amma and Sone, Burgan and McLaughlin as applied to claims 1 and 10 above, and further in view of Fennell (5430436).

In an analogous art, Fennell shows displaying common messages (equivalent to the already received messages of Bennett) in one format while displaying special messages (equivalent to new messages) in a different format. The difference in the formats is that one includes highlighting. See col. 3 lines 34+. This aids the user in knowing the type of message being presented.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used displayed different types of messages in different fashions for displaying the messages being presented in the above modified system in order to aid the user in knowing the type of message being presented.

3. Claims 4-9 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett, Amma and Sone, Burgan and McLaughlin as applied to claims 1 and 10 above, and further in view of Nakajima (4477807).

In an analogous art, Nakajima shows a paging system where the messages are displayed in a sequential order based upon their arrival. See abstract. This allows the user to be aware of the importance of the received messages. The examiner takes official notice that tracking the arrival by time stamps of FIFO memory are both very common manners in the art to track the arrival sequence of messages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed received messages sequentially in the above-modified system in order to aid the user in determining the importance of the messages.

Response to Arguments

Applicant's arguments filed 5/13/2003 and 11/4/2002 have been fully considered but they are not persuasive.

The applicant argues that Bennett does not teach or suggest effecting the appearance on the display unit of a first display attribute for the stored messages and of a second display attribute for the new messages when the new message is received by the receive unit during the display of the first message. Bennett is cited for providing an indication to the user that the new message received during the display mode, is not a previously stored message. Other references are then cited for teaching or

suggesting using first and second display attributes to provide different indications to the user.

The applicant argues that the Bennett does not teach simultaneous appearance of a first display attribute and a second display attribute. See new grounds of rejection(s) above.

The applicant argues that neither Sone, Burgan nor McLaughlin show effecting the appearance on the display unit of a first display attribute for the stored messages and of a second display attribute for the new messages when the new message is received by the receive unit during the display of the first message. Bennett is cited for providing an indication to the user that the new message received during the display mode, is not a previously stored message. Other references are then cited for teaching or suggesting using first and second display attributes to provide different indications to the user.

DeLuca is cited for teaching the simultaneous display of new data and stored data in a paging system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Brian A Zimmerman
Primary Examiner
Art Unit 2635

BAZ
July 1, 2003

